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BEYER WEAVER LLP			NGUYEN, HANH N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/935,238

Applicant(s)

SHARAN ET AL.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 12/11/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments and amendments with respect to claims 1-21, 23-60 have been fully considered but are moot in view of the new ground(s) of rejection.

Regarding in claim 1, Applicant is noted that "the step of storing the message" which is shown in the Remark , page 13, is not indicated in the claim.

Claim Rejections - 35 USC § 101

the disclosed invention is inoperative and therefore lacks utility.

The subject matter in claim 42, lines 5&6 is not statutory because "computer program instructions" is only stored within "the computer readable medium", not in " computer readable product" which may be a computer software . Applicant is required to amend the claim accordingly. In addition, on line 14, " a memory device" and " at least one computer readable medium" on line 4 as being known in the art are storing devices. Is " a memory device" referred to " at least one computer readable medium" ?

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, in line 4, the subject matter requires that " obtaining a message at the cable headend.." ; while in lines 11&12, the subject matter further requires " wherein the obtaining step is performed by "a cable modem termination system". It is not clear whether " a message is obtained at the cable headend" or at " the cable modem termination system".

Claims 2-20, 55, 56 are also rejected because they depend on claim 1 respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-21, 23-60 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 6,031,841 ("Woundy").

Regarding claims 1, 21, 42 and 54, Woundy teaches a method and system for filtering messages communicated between a cable head end and one or more cable modems

(classifying QOS traffics between headend 12 and cable modems 22 in cable network 10, See Fig. 1; col.1, lines 20-45) comprising of : obtaining a message at a cable modem termination system (CMTS) (see fig.1 and 2, step 202; intercepting downstream path message at CableModem Termination System), wherein the message is received from a cable modem or is to be transmitted to a cable modem (see col.2, lines 40-47; CMTS transmits to CM to announce allocation of SID); determining at the CMTS whether the message meets filtering criteria (since it is not indicated what criteria is filtered; so at col.2, lines 15-20, Woundy teaches that determining at the CMTS whether upstream resources are available. If so, at least one filter spec parameter responsive to the the reserved resources); and when the message meets the filtering criteria (filter spec by classifier), copying the message into a memory (see fig.2, step 204, store path message) ; sending the message including the payload to a memory device (see fig.2,col. 3, lines 1-10; the CMTS at step 204 stores path message and forwards the message at step 208 to cable modem at step 210). Woundy further teaches the obtaining (see fig.2, step 202, col.3, lines 2-5); determining (col.2, lines 15-20), and sending steps are performed by a cable modem termination system (see fig.1.col.1, lines 17-25, cable headend 12 uses at least one cable modem termination device (CMTS) 18 to distribute received signals to user computers 16).

Regarding claims 2 and 23, Woundy further teaches that when the received message is to be transmitted to a cable modem, forwarding the received message to the cable modem (208), and when the received message is from a cable modem,

processing the received message at the cable head end (206) (See Fig. 2, Col. 2, line 64 to Col. 3, line 34).

Regarding claim 4, 25 and 44, Woundy further teaches that wherein the message type is for bandwidth allocation, inherently a MAP type message (See Fig. 1, Col. 2, lines 8-23).

Regarding claim 3, 24 and 43, Woundy further teaches that wherein the filtering criteria specifies a message type and the received message meets the filtering criteria when the received message has the specified message type (218) (See Fig. 2, Col. 2, line 64 to Col. 3, line 34).

Regarding claim 5, 26, Woundy further teaches that the filtering criteria further specifies one or more service identifiers and the filtering criteria is met when the received message is a MAP message that contains any specified service identifier (See Col 1, lines 18-61).

Regarding claim 6 and 27, Woundy further teaches that the filtering criteria farther specifies one or more MAC addresses and the filtering criteria is met when the received message is a MAP message that contains any specified MAC address (See Col 1, line 64 to Col. 2, line 7).

Regarding claim 7, 28 and 45, Woundy further teaches that the filtering criteria further includes an option to append a time stamp to the copied message (See Fig. 1, Col. 1, line 18-32).

Regarding claim 8, 29 and 46, Woundy further teaches that the filtering criteria further includes an option to strip a MAC Management Header from the copied message (See Fig. 1, Col. 1, line 63 - Col. 2, line 9).

Regarding claim 9, 30 and 47, Woundy further teaches that the message type is a dynamic service message (See Fig. 1, Col. 1, lines 18-32).

Regarding claim 10, and 31, Woundy further teaches that the filtering criteria further specifies one or more service identifiers and the filtering criteria is met when the received message is a dynamic service message that contains any specified service identifier (See Fig. 1, Col. 1, lines 18-61).

Regarding claim 11, and 32, Woundy further teaches that the filtering criteria further specifies a dynamic service message type and the filtering criteria is met when the received message is a dynamic service message that contains the specified dynamic service message type (See Fig. 1, Col. 1, lines 18-61).

Regarding claim 12, and 33, Woundy further teaches that the dynamic service message type is selected from a group consisting of a message for adding, a message for deleting, and a message for changing one or more services (See Fig. 1, Col. 1, line 63 - Col. 2, line 9).

Regarding claim 13, and 34, Woundy further teaches that the filtering criteria further include an option to append a time stamp to the copied message (See Fig. 1, Col. 1, line 18-61).

Regarding claim 14, and 35, Woundy further teaches that wherein the filtering criteria further includes an option to strip a MAC Management Header from the copied message (See Fig. 1, Col. 1, line 63 - Col. 2, line 9).

Regarding claim 15, 36 and 48, Woundy further teaches that the filtering criteria specifies one or more service identifiers and the filtering criteria is met when the received message contains any specified service identifier (See Fig. 1, Col. 1, line 18-61).

Regarding claim 16, 37 and 49, Woundy further teaches that the filtering criteria specifies one or more MAC addresses and the filtering criteria is met when the received message contains any specified MAC address (See Col 1, lines 18-61).

Regarding claim 17, 38 and 50, Woundy further teaches that the filtering criteria specifies one or more access control type parameters and the filtering criteria is met when the received message contains any specified access control type parameter (See Col 1, lines 18-61).

Regarding claim 18, 39 and 51, Woundy further teaches that the filtering criteria specifies either a downstream or downstream direction and the filtering criteria is met when the received message is associated with the specified direction (See Col 1, lines 18-61).

Regarding claim 19, 40 and 52, Woundy further teaches that the filtering criteria specifies one or more ports and the filtering criteria is met when the received message is associated with any specified port (See Col 1, lines 18-61).

Regarding Claims 20, 41 and 53, as discussed above, Woundy teaches memory device forms part of a computer system that is accessible via a computer network (see fig.1, see col.1, lines 17-30; user computers 16 as being known in the art, comprises memory device , and forms a computer network which are connected to cable network 12).

Regarding claims 55, 56, Woundy discloses selecting the message filtering criteria at the CMTS (see col.2, lines 45-55, CMTS encodes RSVP filter spec in the Dynamic session addition message transmitted to cable modem to announce the allocation of a new SID to a cable modem. The cable modem uses the new SID exclusively for upstream traffic that match the filter spec).

Regarding claims 57, Woundy discloses the memory device is coupled to the CMTS (see fig.1,).

Regarding claim 58, Woundy discloses memory device is separated from the computer system (see fig.1,).

Regarding claim 59, Woundy discloses the memory device is accessible via a computer network (see fig.1, users computers 16 form a computer network through which memory device is accessible).

In claim 60, Woundy discloses memory device is coupled to a monitor station (see fig.1; cable headend).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fijolek et al. (US Pat. 7107326);

Fijolek et al. (US Pat. 6510162);

Quigley et al. (US Pat. 6785564 B1).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272

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3092. The examiner can normally be reached on Monday-Thursday from 8AM to 4:30.

The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 5712722092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/
Primary Examiner, Art Unit 2616

HANH NGUYEN
PRIMARY EXAMINER